

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
ZONING MAP AMENDMENT REPORT (#FZC-21-20)
MONTANA LLC & ROBERT & RITA BOESE
DECEMBER 29, 2021

I. GENERAL INFORMATION

A. Project Description

This is a report to the Flathead County Planning Board and Board of Commissioners regarding a request by Montana LLC and Robert and Rita Boese, with technical assistance from Sands Surveying, Inc., for a zoning map amendment in the Bigfork Zoning District. The proposed amendment, if approved, would change the zoning of the subject property from 'SAG-10 Suburban Agricultural' to 'SAG-5 Suburban Agricultural'.

B. Application Personnel

- | | | |
|--|---|---|
| 1. Owner #1
Montana LLC
12201 Tukwila Intl Blvd
Tukwila, WA 98168-5121 | 2. Owner #2
Robert & Rita Boese
1308 Highway 83
Bigfork, MT 59911 | 3. Applicant
Matt Cottle, Manager
1463 Highway 83
Bigfork, MT 59911 |
| 4. Technical Representative
Sands Surveying, Inc.
2 Village Loop
Kalispell, MT 59901 | | |

C. Process Overview

Documents pertaining to the zoning map amendment are available for public inspection in the Flathead County Planning and Zoning Office located in the South Campus Building at 40 11th Street West in Kalispell.

1. Land Use Advisory Committee/Council

The subject property is located within the advisory area of the Bigfork Land Use Advisory Committee (BLUAC). The BLUAC will conduct a public hearing on the proposed zoning map amendment on December 30, 2021 at 4:00 P.M. at Bethany Lutheran Church, located at 8559 Highway 35, Bigfork, MT 59911. A recommendation from the BLUAC will be forwarded to the Flathead County Planning Board for their consideration.

2. Planning Board

The Flathead County Planning Board will conduct a public hearing on the proposed zoning map amendment on January 12, 2022 at 6:00 P.M., in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration.

3. Commission

The Commissioners will hold a public hearing on the proposed zoning map amendment on February 22, 2022 at 9:30 A.M. Prior to the Commissioner's public hearing, documents pertaining to the zoning map amendments will also be available for public inspection in the Office of the Board of Commissioners at 800 South Main Street in Kalispell.

II. PROPERTY CHARACTERISTICS

A. Subject Property Location and Legal Description

The properties are located at Assessor No. 0007637 and Assessor No. 0086120, along Highway 83 in Bigfork, MT and total approximately 38.5 acres (see Figure 1 below). The properties can be legally described as follows:

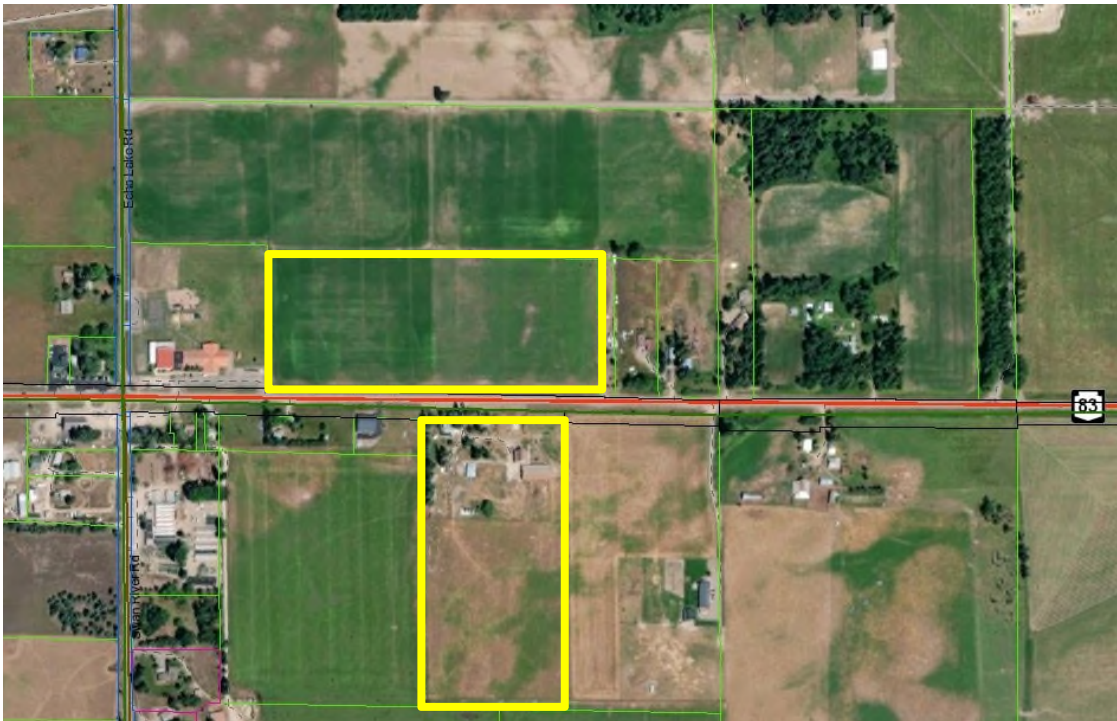
A tract of land, situated, lying, and being in the South Half of the Southwest Quarter of Section 16, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana, and more particularly described as follows to wit:

Commencing at the southwest corner of the South Half of the Southwest Quarter of Section 16, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana; Thence N85°53'00"E 650.71 feet to the southwest corner of Tract 3 of Certificate of Survey No. 15806 (records of Flathead County, Montana) and THE TRUE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED; Thence N00°17'42"W 660.02; Thence S88°49'33"E 726.36; Thence S00°17'42"E 660.02 feet; Thence N88°49'33"W 726.36 feet to the point of beginning and containing 10.002 ACRES; Subject to and together with all appurtenant easements of record.

AND

Tract 1 of Certificate of Survey No. 20478, in That Portion of the Northeast Quarter of the Northwest Quarter of Section 21, Township 27 North, Range 19 West, P.M.M., Flathead County, Montana.

Figure 1: Subject properties (outlined in yellow)

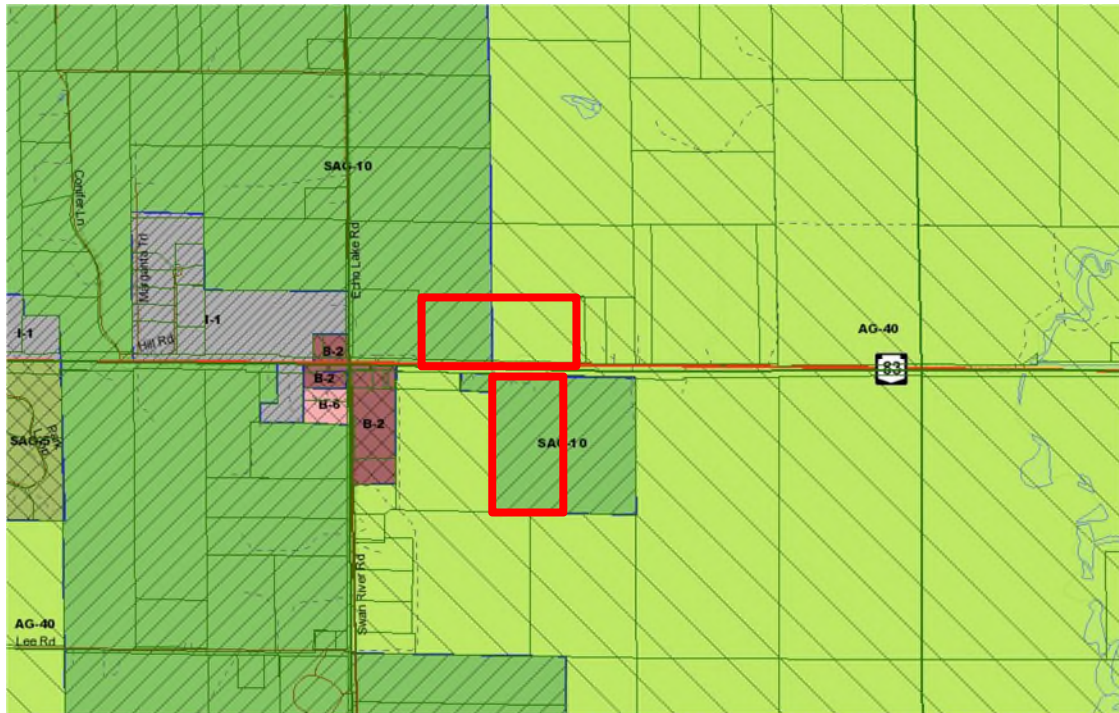


B. General Character of and Reason for Amendment

The subject properties are located along Highway 83 near Bigfork, MT, just east of Echo Lake Road and Swan River Road. According to the application, the Boese property currently contains a single-family dwelling and multiple agricultural structures, the

Montana LLC property is currently undeveloped, and both properties are currently in agricultural production. The application states, “The applicants would like [to] have the ability to subdivide in the future and also to create a five-acre parcel on which to have a market/storefront, ‘Ranch to Table’ experience for beef which is raised on the property currently. The Montana LLC property (assessor #0007637) is currently split zoned with approximately 10 acres of SAG-10 and the remaining 10.25 acres AG-40. The applicant prefers the AG-40 zoning to remain and is requesting the currently zoned SAG-10 to be amended to SAG-5.”

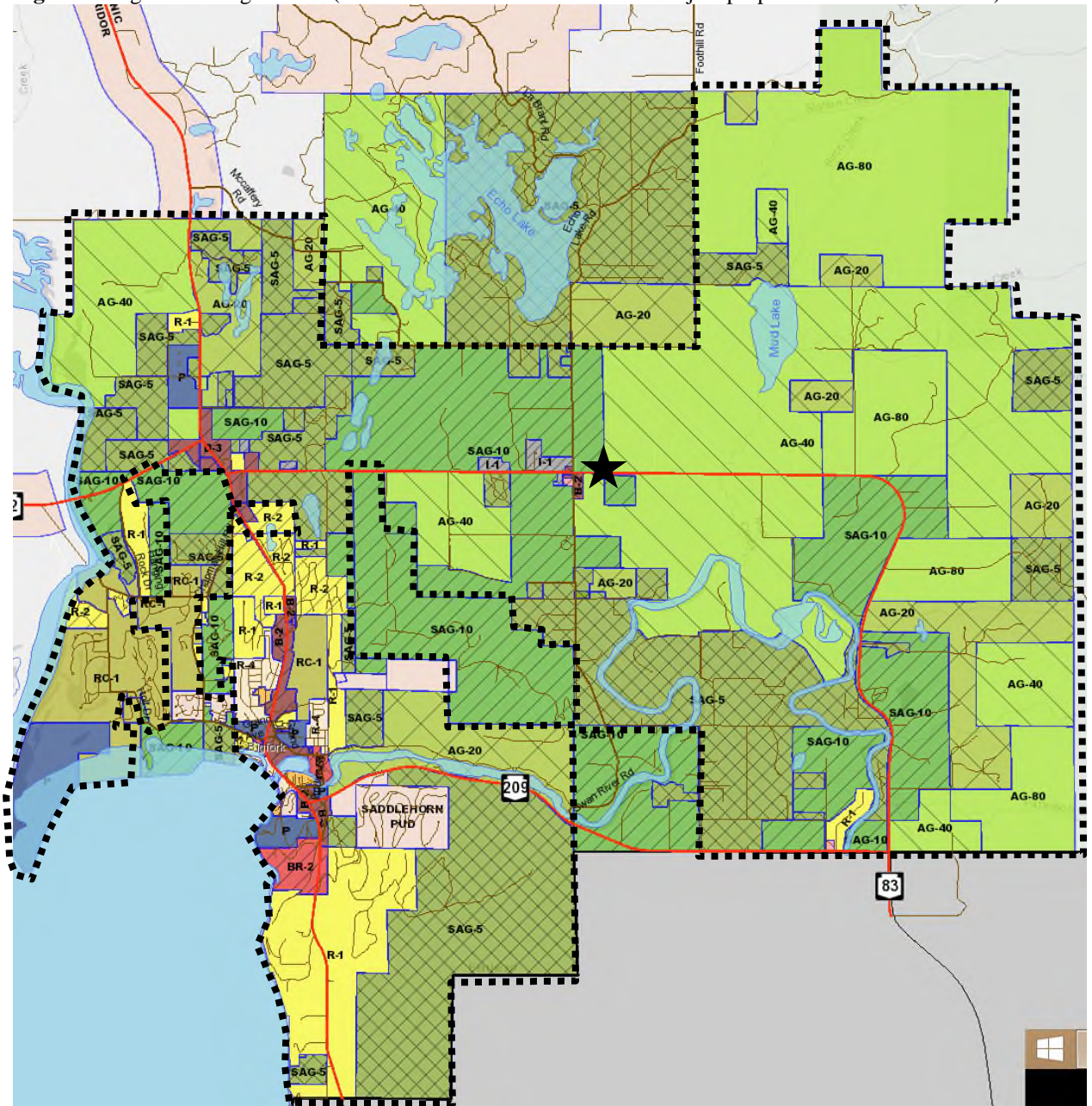
Figure 2: Current zoning on the subject properties (outlined in red)



C. Adjacent Zoning and Character of the Overall Zoning District

The subject properties are located within the Bigfork Zoning District, which is a 25,060-acre zoning district including the community of Bigfork and the surrounding area. The character of the zoning district in the vicinity of the subject properties is a mixture of agricultural, rural residential, business, and industrial. The adjacent surrounding properties are zoned SAG-10 and AG-40. Properties within a quarter mile to the west along Highway 83 are zoned B-2, B-6, and I-1.

Figure 3: Bigfork Zoning District (outlined with dashed black line & subject properties indicated with star)



D. Public Services and Facilities

Sewer:	N/A
Water:	N/A
Electricity:	Flathead Electric Cooperative
Natural Gas:	Northwestern Energy
Telephone:	CenturyTel
Schools:	Bigfork School District & Swan River Elementary School District
Fire:	Bigfork Fire District
Police:	Flathead County Sheriff's Office

III. COMMENTS

A. Agency Comments

1. Agency referrals were sent to the following agencies on October 25, 2021:
 - Bonneville Power Administration
 - Bigfork Fire District
 - Bigfork School District
 - Flathead City-County Health Department
 - Flathead County Road & Bridge Department
 - Flathead County Sheriff's Office
 - Flathead County Solid Waste District
 - Flathead County Superintendent of Schools
 - Flathead County Weeds & Parks Department
 - Montana Department of Transportation
 - Montana Fish, Wildlife & Parks
 - Swan River Elementary School District
2. The following is a summarized list of agency comment received as of the date of the completion of this staff report:
 - Bonneville Power Administration
 - Comment: "[...] At this time, BPA does not object to this request, as the property is located approximately 10.45 miles away from the nearest BPA transmission lines or structures." Email received October 27, 2021
 - Flathead County Road and Bridge Department
 - Comment: "[...] At this point the County Road Department does not have any comments on this request." Letter received October 29, 2021
 - Flathead County Solid Waste District
 - Comment: "[...] Flathead County Solid Waste views no negative impact with this zone change request.

The District requests all solid waste generated at the proposed location be hauled by a private hauler. Republic Services is the licensed (PSC) Public Service Commission private hauler in this area." Letter received November 2, 2021
 - Montana Department of Transportation
 - Comment: "Thank you for contacting the Montana Department of Transportation (MDT) regarding the proposed zone change request which would allow for the parcels to be subdivided for additional dwellings. The proposal is located on Highway 83 east of Echo Lake Road. It appears that additional accesses may be requested for this proposal.

Any new access or change in use of an existing access typically requires an approach permit to be approved by the MDT. The owners will need to contact the MDT Kalispell Office and complete a Driveway Approach Application & Permit; and an Environmental Checklist. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements, and have no

negative effect on the transportation system or adjacent existing accesses. Additional access points may not be granted if they are too close to existing approaches. Access points can also be reduced with joint use approaches that are along adjoining property boundaries. MDT's first priority is the Safety and Operations of the Transportation System." Email received November 3, 2021

- Flathead City-County Health Department
 - Environmental Health staff have reviewed the information provided and submits the following comment:
 - Where will product be processed? If an on-site slaughter house is planned, septic would need to be designed for high-strength industrial waste.
 - A food/consumer retail food license would be required for the market/storefront. Additionally, the business would be subject to routine inspections." Letter received November 9, 2021

B. Public Comments

1. Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject property on December 22, 2021. Legal notice of the Planning Board public hearing on this application was published in the December 26, 2021 edition of the Daily Interlake.

Public notice of the Board of County Commissioners public hearing regarding the zoning map amendment was physically posted on the subject property and within the zoning district according to statutory requirements found in Section 76-2-205 [M.C.A] on March 15, 2021. Notice will also be published once a week for two weeks prior to the public hearing in the legal section of the Daily Interlake. All methods of public notice include information on the general character of the proposed zoning map amendment, and the date, time, and location of the public hearing before the Flathead County Commissioners on the requested zoning map amendment.

2. Public Comments Received

As of the date of the completion of this staff report, no written public comments have been received regarding the requested zoning map amendment. It is anticipated any member of the public wishing to provide comment on the proposed zoning map amendment may do so at the Planning Board public hearing and/or the Commissioner's public hearing. Any written comments received following the completion of this report will be provided to members of the Planning Board and Board of Commissioners and summarized during the public hearing(s).

IV. EVALUATION OF PROPOSED AMENDMENT

Map amendments to zoning districts are processed in accordance with Section 2.08 of the Flathead County Zoning Regulations. The criteria for reviewing zoning amendments are found in Section 2.08.040 of the Flathead County Zoning Regulations and 76-2-203 M.C.A.

A. Build-Out Analysis

Once a specific zoning designation is applied in a certain area there are certain land uses that are permitted or conditionally permitted. A build-out analysis is performed to examine the maximum potential impacts of full build-out of those uses. The build-out analysis is typically done looking at maximum densities, permitted uses, and demands on public

services and facilities. Build-out analyses are objective and are not best or worst case scenarios. Without a build-out analysis to establish a foundation of understanding, there is no way to estimate the meaning of the proposed change to neighbors, the environment, future demands for public services and facilities and any of the evaluation criteria, such as impact to transportation systems. Build-out analyses are simply establishing the meaning of the zoning map amendment to the future of the community to allow for the best possible review.

The SAG-10 designation is defined in Section 3.07 FCZR as, *'A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

The SAG-5 designation is defined in Section 3.08 FCZR as, *'A district to provide and preserve smaller agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.'*

The permitted uses and conditional uses for the SAG-10 and the SAG-5 zoning are relatively similar. The amendment would reduce the number of permitted uses from 21 to 16 and increase the number of conditional uses from 23 to 28.

The permitted uses listed within SAG-10 that are listed as conditional uses in SAG-5 are as follows:

- Caretaker's facility
- Cellular tower
- Riding academy, rodeo arena
- Stable, public

The permitted and conditional uses allowed within SAG-10 but not allowed in SAG-5 are:

- Dairy product processing, bottling, and distribution
- Ranch employee housing

The permitted and conditional uses allowed within SAG-5 but not allowed in SAG-10 are:

- Recreational vehicle park

The bulk and dimensional requirements within the current and proposed zoning require a 20 foot setback from front, rear, side-corner and side boundary line for principal structures and a setback of 20 feet for the front and side-corner and 5 feet from the rear and side for accessory structures. A 20 foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries and an additional 20 foot setback is required from county roads classified as collector or major/minor arterials for both the proposed and current zoning. For SAG-10 the permitted lot coverage is 20% and maximum height of 35 feet and for SAG-5 the permitted lot coverage is 25% (residential uses) and maximum height of 35 feet.

The existing zoning requires a minimum lot area of 10 acres. The subject properties total 38.5 acres. Currently, two additional lots could be created. The proposed zoning requires a

minimum lot area of 5 acres which would potentially allow for six additional lots to be created. The requested zone change has the potential to increase density through subsequent subdivision in the future. The bulk and dimensional requirements are similar and the zoning map amendment would allow uses that are typical of suburban agricultural zoning districts and similar to uses that are allowed under the existing SAG-10 zoning. The amendment would reduce the number of permitted uses and increase the number conditional uses. Many of the reduced permitted uses between SAG-10 and SAG-5 are listed as conditional uses.

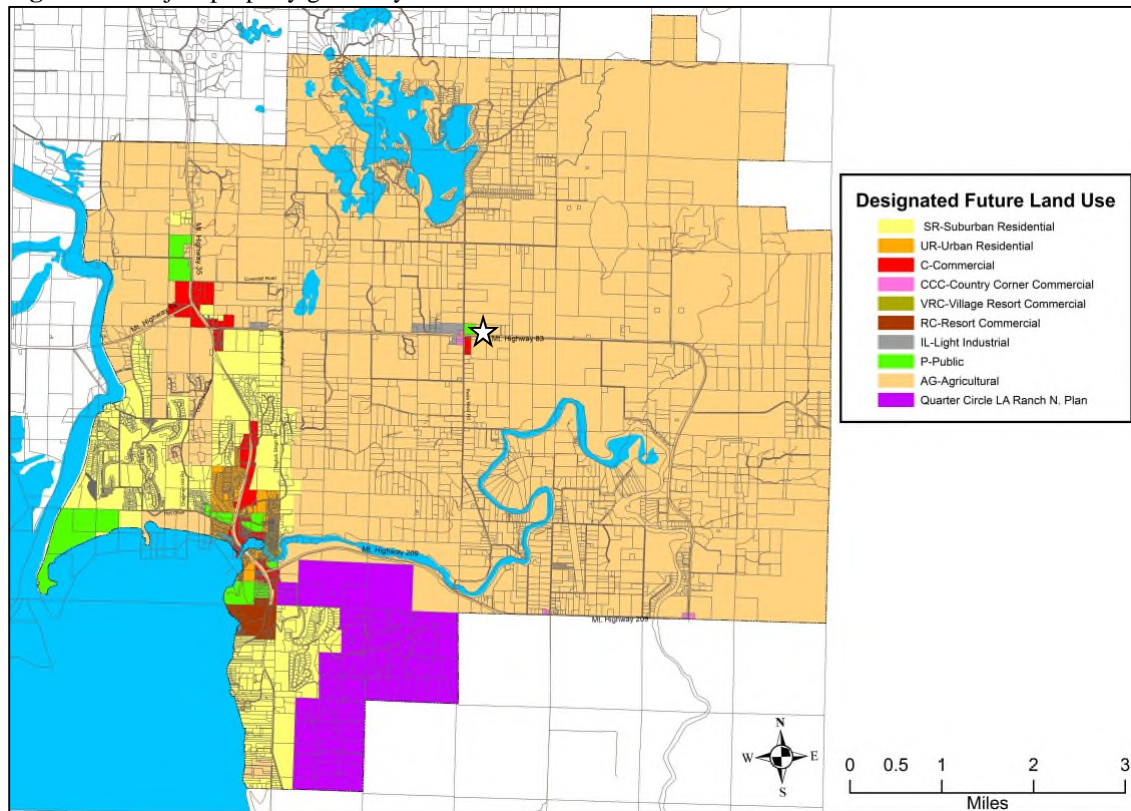
B. Evaluation of Proposed Amendment Based on Statutory Criteria (76-2-203 M.C.A. and Section 2.08.040 Flathead County Zoning Regulations)

1. Whether the proposed map amendment is made in accordance with the Growth Policy/Neighborhood Plan.

The Bigfork Neighborhood Plan (The Plan) serves as a localized planning tool for the community of Bigfork. The Plan was adopted as an addendum to the Growth Policy to provide more specific guidance on future development and land use decisions at the local level.

As shown in Figure 4, the Bigfork Neighborhood Plan “Future Land Use Map” designates the area in which the subject property is located as ‘Agricultural’. According to the text of the plan states, *“Designated areas for agricultural production should be protected from the encroachment of residential and other more intensive development. Schools, fire stations, and parks are appropriate in this designation. Zoning designations in these areas range from Suburban Agriculture (SAG) 5 to Agriculture (AG) 80. This spectrum of zoning designations should be applied in a manner that implements the goals and policies of the plan in areas designated as AG on Map 10.”*

Figure 4: Subject property generally located in the area shown with a star



Following is a consideration of goals and policies which appear to be applicable to the proposed zone change, to determine if the proposal complies with The Plan:

- ❖ **G.2** – *Support growth and development in the BPA in a way that protects the character of the area and its natural resources.*
 - The proposed zoning map amendment appears to protect the character of the area and its natural resource because it would allow for lot sizes and land uses similar to what exists in the adjacent SAG-10 and AG-40 zones.
- ❖ **G.6** – *Encourage and support residential development densities which are appropriate to existing and planned public facilities and services, which are absent of environmental constraints, and which enhance the character of the community.*
 - The proposed zoning map amendment is located in an area of the County that utilizes individual well and septic facilities but is within a fire district, is served by a public school district and the Flathead County Sheriff's Office, and appears absent of environmental constraints.
- **P.6.4** – *Single family, large lot estate type developments of five acres or larger, should be located away from planned areas of sewer and water to minimize inefficient placement of sewer and water conveyance facilities.*
 - The proposed zoning map amendment would occur on properties which are not served by a water or sewer district.
- ❖ **G.8** – *Encourage housing that maintains traditional development patterns while protecting property values and natural resources.*

- The proposed zoning map amendment would encourage housing that maintains traditional development patterns because it would allow for land uses similar to what exists on the adjacent properties.
- **P.8.2** – *Encourage lot size and configuration in rural areas that promote open space and scenic views, while maintaining the character of these areas and supporting agricultural operations.*
 - Numerous lots in the surrounding SAG-10 and AG-40 zoning are non-conforming as they are smaller than the 10- and 40-acre minimum lot sizes. The proposed zoning map amendment would allow for lot sizes that maintain the character of the area and support agricultural operations.
- **P.9.3** – *Transportation corridors should maintain the continued visual enjoyment of both the well-tended agricultural lands and the natural beauty of the area, and provide unimpeded traffic flow.*
 - Agricultural uses are permitted in the proposed SAG-5 zoning; thus, the proposed zoning map amendment would likely maintain the natural beauty of the area and would likely not negatively impact traffic flow.

The Bigfork Neighborhood Plan provides guidance for the appropriate use of the spectrum of Agricultural zoning designations. The Plan states, “*In areas adjacent to Residential designations with efficient service provision, convenient access to public facilities, paved roads and no environmental constraints, SAG-5 zoning is an appropriate use and density. As the smallest ‘agricultural’ designation, small hobby farms, horse pastures and rural single family residential dwellings exemplify areas where this zone is used.*” The subject properties are located along Highway 83, which is a paved, state-maintained highway, and do not appear to contain environmental constraints. Although the adjacent properties are zoned SAG-10 and AG-40, rather than residential designations, many of the surrounding properties are currently developed as residential and are smaller than the 10- and 40-acre minimum lot sizes.

The Bigfork Neighborhood Plan appears to generally support the proposed zoning map amendment by the Future Land Use Map designation of ‘Agricultural,’ and the goals, policies and texts of the plan.

Finding #1: The proposed zoning map amendment appears to be made in accordance with the Bigfork Neighborhood Plan because the proposed zoning classification is compatible with the future land use map designation of ‘Agricultural,’ and the amendment is generally supported by the text, goals, and policies of the plan because it would encourage housing that maintains traditional development patterns and allow for land uses similar to the existing suburban agricultural zoning.

2. Whether the proposed map amendment is designed to:

a. Secure safety from fire and other dangers;

The subject properties are located within the Bigfork Fire District and the nearest fire station is located approximately 5.5 road miles southwest of the property, along Grand Avenue. The Bigfork Fire Department would respond in the event of a fire or medical emergency. The properties are located within the Wildland Urban Interface (WUI) and a ‘High’ County-wide priority area. Primary access to the

properties is via Highway 83, which is a paved, two-lane, state-maintained highway within a 120-foot-wide right-of-way capable of providing access for emergency vehicles. The Bigfork Fire District did not provide comment regarding this proposal.

According to FEMA FIRM Panel 30029C2310J, the properties are located within an unshaded Zone X, an area determined to be outside the 0.2% annual chance flood hazard.

Finding #2: The proposed zoning map amendment would secure safety from fire and other dangers because although the properties are within the WUI and a high County-wide priority area, the properties are served by the Bigfork Fire District and are located approximately 5.5 miles from the nearest fire station, access is from a paved, two-lane, state-maintained highway, and the properties are not located within a Special Flood Hazard Area.

b. Promote public health, public safety, and general welfare;

As previously stated, the subject properties are located within the Bigfork Fire District and the nearest fire station is approximately 5.5 driving miles from the properties. The Bigfork Fire Department would respond in the event of a fire or medical emergency and the Flathead County Sheriff's Office provides police services to the subject property. Highway 83 appears adequate to provide ingress and egress for emergency vehicles which would help to ensure adequate public health and safety.

The SAG-5 zoning classification would allow for similar uses to what already exists in the area and what is allowed within the adjacent SAG-10 and AG-40 zoning, therefore, the zone change is not anticipated to adversely impact public health, safety, or welfare.

Finding #3: The proposed zoning map amendment would have a minimal impact on public health, safety and general welfare because the properties are served by the Bigfork Fire District and Flathead County Sheriff's Office, and future development would comply with the permitted and conditional uses in the SAG-5 zone which are similar to the existing surrounding uses.

c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements.

Primary access to the subject properties is via Highway 83, which is a paved, two-lane, state-maintained highway within a 120-foot-wide right-of-way. The most recent traffic counts for Highway 83 in the vicinity of the properties were collected in 2020 and indicated 2,483 average daily trips (ADT). Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for six additional lots, which would generate approximately 60 ADT. The zoning map amendment has the potential to increase traffic by 2.4% on Highway 93. Comment received from the Montana Department of Transportation indicates an approved approach permit would be required for new access or change in use of an existing access.

The application indicates the developed property is currently served by an individual septic system and individual well. Comment received from the Flathead City-County Health Department – Environmental Health Services indicated further septic review and a food/consumer retail license would be required for an on-site slaughter house and a storefront. The property owners would be required to undergo review and approval from the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, if the properties are further subdivided or developed.

According to the 2019 Census Data, there are 49,531 housing units in the Flathead County. The Flathead County Statistical Report of Schools 2021 states there are 17,331 students enrolled in County schools. The total students (17,331) divided by the total households (49,531) equals approximately 0.35 students per household. The proposal has the potential to create six more lots in the future and therefore would generate approximately two school age children. The Bigfork School District and the Swan River Elementary School District did not provide comments on this proposal. It is anticipated that the schools would have capacity should any residential growth occur as a result of the proposed zoning map amendment.

The proposed amendment from SAG-10 to SAG-5 would reduce the minimum lot size from 10 acres to 5 acres. It is anticipated subsequent future development would require subdivision review and parkland dedication requirements would be determined at that time. There are numerous parks, natural areas, and recreational opportunities accessible in the vicinity of the proposal.

Finding #4: The proposed zoning map amendment would facilitate the adequate provision of transportation because access to the subject properties currently exists via Highway 83 which is a paved, two-lane, state-maintained highway, the proposal has the potential to increase traffic on Highway 83 by 2.4%, and future development would require approach permits from the Montana Department of Transportation.

Finding #5: The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools, and parks because future development of the properties would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, the proposal has the potential to generate two school age children, no comments were received from the local school districts, and parkland dedication would be considered during subdivision review.

3. In evaluating the proposed map amendment, consideration shall be given to:

a. The reasonable provision of adequate light and air;

While the proposed zoning map amendment has the potential to increase development density on the subject properties, all additional lots created or structures built would be required to meet the bulk and dimensional requirements of the SAG-5 zoning designation. The bulk and dimensional requirements have been established to provide for a reasonable provision of light and air.

The minimum lot area for the proposed SAG-5 zoning designation is 5 acres and the minimum lot area for the existing SAG-10 zone is 10 acres, although both zones

allow for clustering provisions as outlined in Section 5.09 FCZR. The density allowed within the proposed zoning would be greater than the density allowed within the current zoning designation. The maximum building height within the current zoning and the proposed zoning is 35 feet. The permitted lot coverage is 20% for the current zoning and would be 25% for residential structures under the proposed zoning.

The setback requirements for the proposed zoning designation are identical to those of the current zoning designation. The required setback from the boundary line is 20 feet from all property boundaries for the principal structure, 20 feet from the front and side corner on accessory structures and 5 feet from the rear and side on accessory structures. A 20-foot setback is required from streams, rivers and unprotected lakes which do not serve as property boundaries.

Finding #6: The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the SAG-5 zoning designation.

b. The effect on motorized and non-motorized transportation systems;

As previously stated, primary access to the subject properties is via Highway 83, which is a paved, two-lane, state-maintained highway within a 120-foot-wide right-of-way. The most recent traffic counts for Highway 83 in the vicinity of the properties were collected in 2020 and indicated 2,483 average daily trips (ADT). Using standard trip generation, single-family residential uses typically generate 10 average daily vehicle trips per dwelling. The proposed zoning could allow for six additional lots, which would generate approximately 60 ADT. The zoning map amendment has the potential to increase traffic by 2.4% on Highway 93. Comment received from the Montana Department of Transportation indicates an approved approach permit would be required for new access or change in use of an existing access.

The Flathead County Trails Plan identifies Highway 83 as a proposed connector trail. It is anticipated there would be minimal impact on non-motorized traffic because future development through subdivision of the properties would require an easement for a bicycle and pedestrian trail along Highway 83.

Finding #7: The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because access to the subject properties currently exists via Highway 83 which is a paved, two-lane, state-maintained highway, the proposal has the potential to increase traffic on Highway 83 by 2.4%, future development would require approach permits from the Montana Department of Transportation, and future subdivision of the properties would require an easement for a bicycle and pedestrian trail along Highway 83.

c. Compatible urban growth in the vicinity of cities and towns (that at a minimum must include the areas around municipalities);

The subject properties are located near the community of Bigfork, which is not an incorporated municipality. The City of Kalispell is the nearest municipality and is located approximately 11 miles northwest of the subject properties and the

proposed zoning map amendment will not have an impact on urban growth of Kalispell.

Finding #8: The proposed zoning map amendment would not have an impact on the urban growth in the vicinity of cities because the closest incorporated city is located approximately 11 miles northwest of the subject properties.

- d. **The character of the district(s) and its peculiar suitability for particular uses;** The character of the district and its peculiar suitability for particular uses can best be addressed using the “three part test” established for spot zoning by legal precedent in the case of *Little v. Board of County Commissioners*. Spot zoning is described as a provision of a general plan (i.e. Growth Policy, Neighborhood Plan or Zoning District) creating a zone which benefits one or more parcels that is different from the uses allowed on surrounding properties in the area. Below is a review of the three-part test in relation to this application and the character of the district and its peculiar suitability for particular uses.

- i. ***The zoning allows a use that differs significantly from the prevailing use in the area.***

The character of the zoning district in the immediate vicinity of the subject properties is a mixture of agricultural, rural residential, public, business and industrial uses. The adjacent properties are zoned SAG-10 and AG-40 and currently contain an elementary school, single-family residential, and agricultural uses. The nearby properties to the west along Highway 83 are zoned B-2, B-6, and I-1 and contain a community hall, a restaurant, a retail store, and a variety of other business and industrial uses.

The proposed SAG-5 zoning would allow for agricultural and residential uses similar to what already exists in the area and similar to what is currently permitted in the SAG-10 zoning.

- ii. ***The zoning applies to a small area or benefits a small number of separate landowners.***

The zoning map amendment would apply to two tracts of land which are owned by two landowners. Using standard ArcGIS software staff was able to determine the subject property is located within a SAG-10 zoned area encompassing approximately 2,760 acres. The area of the proposed zoning map amendment totals 38.5 acre, which is approximately 1.4% of the existing SAG-10 zoning use district. However, there are surrounding SAG-5 districts within 0.6 miles of the subject properties including approximately 2,462 acres to the north, 1,745 acres to the south, and 37 acres to the west.

- iii. ***The zoning is designed to benefit only one or a few landowners at the expense of the surrounding landowners or the general public and, thus, is in the nature of special legislation.***

Although the proposal only includes two landowners, it would not result in special legislation at the expense of the surrounding landowners or general public because the permitted and conditional uses listed within a SAG-5 zone are similar to the permitted and conditional uses in the current SAG-10 zone

and the adjacent AG-40 zone, as discussed in the build-out analysis section of this report.

Finding #9: The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zoning does not allow uses that differ significantly from the prevailing use in the area, and there are existing SAG-5 districts within approximately 0.6 miles of the subject properties.

e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area.

The adjacent properties contain agricultural and rural residential uses. Previous sections of this report have discussed the differences between permitted and conditional uses in the existing SAG-10 zoning and the proposed SAG-5 zoning designation. Conserving the value of buildings throughout the jurisdictional area is a function of allowing land uses that are appropriate and reasonable. Many of the land uses listed as permitted uses in the proposed SAG-5 zone exist in the vicinity of the subject property such as single-family residential and agricultural uses. The permitted and conditional uses would likely not impact the value of buildings and would be appropriate land uses throughout the area of the proposed zone change because they already exist in the area.

Finding #10: The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding suburban agricultural and agricultural zoning.

4. Whether the proposed map amendment will make the zoning regulations, as nearly as possible, compatible with the zoning ordinances of nearby municipalities.

The nearest municipality is the City of Kalispell, which is located approximately 11 miles northwest of the subject properties. Since there are no nearby municipalities, the proposal will have no impact on compatibility of zoning ordinances of nearby municipalities.

Finding #11: The proposed zoning map amendment would not have an impact on the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 11 miles northwest of the subject properties.

V. SUMMARY OF FINDINGS

1. The proposed zoning map amendment appears to be made in accordance with the Bigfork Neighborhood Plan because the proposed zoning classification is compatible with the future land use map designation of ‘Agricultural’, and the amendment is generally supported by the text, goals, and policies of the plan because it would encourage housing that maintains traditional development patterns and allow for land uses similar to the existing suburban agricultural zoning.
2. The proposed zoning map amendment would secure safety from fire and other dangers because although the properties are within the WUI and a high County-wide priority area, the properties are served by the Bigfork Fire District and are located approximately 5.5

miles from the nearest fire station, access is from a paved, two-lane, state-maintained highway, and the properties are not located within a Special Flood Hazard Area.

3. The proposed zoning map amendment would have a minimal impact on public health, safety and general welfare because the properties are served by the Bigfork Fire District and Flathead County Sheriff's Office, and future development would comply with the permitted and conditional uses in the SAG-5 zone which are similar to the existing surrounding uses.
4. The proposed zoning map amendment would facilitate the adequate provision of transportation because access to the subject properties currently exists via Highway 83 which is a paved, two-lane, state-maintained highway, the proposal has the potential to increase traffic on Highway 83 by 2.4%, and future development would require approach permits from the Montana Department of Transportation.
5. The proposed zoning map amendment would facilitate the adequate provision of water and sewer services, schools, and parks because future development of the properties would require review through the Flathead City-County Health Department and the Montana Department of Environmental Quality, as applicable, the proposal has the potential to generate two school age children, no comments were received from the local school districts, and parkland dedication would be considered during subdivision review.
6. The proposed zoning map amendment would provide adequate light and air to the subject property because future development would be required to meet the bulk and dimensional requirements of the SAG-5 zoning designation.
7. The proposed zoning map amendment would have a minimal impact on motorized and non-motorized transportation systems because access to the subject properties currently exists via Highway 83 which is a paved, two-lane, state-maintained highway, the proposal has the potential to increase traffic on Highway 83 by 2.4%, future development would require approach permits from the Montana Department of Transportation, and future subdivision of the properties would require an easement for a bicycle and pedestrian trail along Highway 83.
8. The proposed zoning map amendment would not have an impact on the urban growth in the vicinity of cities because the closest incorporated city is located approximately 11 miles northwest of the subject properties.
9. The proposed zoning map amendment appears suitable for the character of the district and does not appear to constitute spot zoning because the proposed zoning does not allow uses that differ significantly from the prevailing use in the area, and there are existing SAG-5 districts within approximately 0.6 miles of the subject properties.
10. The proposed zoning map amendment would conserve the value of buildings and encourage the most appropriate use of land in this particular location because the proposed zoning designation allows for similar uses to the surrounding suburban agricultural and agricultural zoning.
11. The proposed zoning map amendment would not have an impact on the compatibility of zoning ordinances of nearby municipalities because the closest incorporated city is located approximately 11 miles northwest of the subject properties.

VI. CONCLUSION

Per Section 2.08.020(4) of the Flathead County Zoning Regulations (FCZR), a review and evaluation by the staff of the Planning Board comparing the proposed zoning map amendment to the criteria for evaluation of amendment requests found in Section 2.08.040 FCZR has found the proposal generally complies with the review criteria, based upon the draft Findings of Fact presented above. Section 2.08.040 FCZR does not require compliance with all criteria for evaluation, only that the Planning Board and County Commissioners should be guided by the criteria.

Planner: EA